

ASSEMBLY BILL

No. 1831

Introduced by Assembly Member Solorio

February 11, 2010

An act to amend Section 8482.3 of, and to add Section 8483.56 to, the Education Code, relating to after school programs, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1831, as introduced, Solorio. After school programs.

The After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education to provide grants to schools participating in the program. The existing act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

This bill would require the department to make available 24%, or \$132,000,000 each year, whichever is greater, for after school programs for English learners that meet specified criteria, including that the program provide instruction and practice in academic lessons that increase knowledge and usage of the English language, establish programs and learning strategies that support English learners, and provide the staff with professional development designed to improve instruction to English learners. Because this bill would make money that is continuously appropriated specifically available for these new purposes, the bill would make an appropriation.

The bill would require the Superintendent to adopt emergency regulations to implement this provision within 90 days of its effective date.

This bill would set forth a legislative finding and declaration that the proposed amendments further the purposes of the existing act.

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares as follows:
2 (1) California public elementary and secondary schools enroll
3 1.5 million English learners who make up 24 percent of the total
4 enrollment in the state's public elementary and secondary schools.
5 (2) In some California school districts, English learners comprise
6 an even greater share of all pupils. In the Los Angeles Unified
7 School District, more than 220,000 pupils are English learners,
8 comprising 32 percent of all pupils. In the Santa Ana Unified
9 School District, more than 32,000 pupils are English learners,
10 comprising 56 percent of all pupils.
11 (3) In 2007, there were 404,847 public school pupils in
12 California served by state and federally funded after school
13 programs.
14 (4) Proposition 49 resulted in a significant increase in funding
15 for after school programs. Funding for after school programs
16 increased from fifty million dollars (\$50,000,000) in 1999 to five
17 hundred fifty million dollars (\$550,000,000) in 2007 as a result of
18 Proposition 49.
19 (5) English learners lag behind English speakers in academic
20 achievement in language arts, mathematics, standardized tests,
21 high school graduation rates, and college enrollment.
22 (6) Researchers attribute this achievement gap, in part, to not
23 enough instructional time to allow English learners to acquire the
24 language and to learn academic material.
25 (7) Research on English learner performance in after school
26 programs shows that these programs significantly increase language
27 acquisition rates for English learners and decrease the time it takes
28 these pupils to redesignate into mainstream English classrooms.
29 (8) California's competitiveness depends on an educated and
30 productively engaged populace.

(9) It is important that English learners have an equitable opportunity to participate in after school programs funded by Proposition 49 because providing them with quality after school programs will increase their ability to learn English more promptly, increase their success in school, enhance their career opportunities, and improve California's competitiveness in the world.

(b) Therefore, it is the intent of the Legislature to amend the After School Education and Safety Program Act to additionally ensure that English learners are afforded equal access to after school programs by reserving 24 percent of the overall funding for after school programs that serve these pupils.

SEC. 2. Section 8482.3 of the Education Code is amended to read:

8482.3. (a) The After School Education and Safety Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools.

(b) A program may operate a before school component of a program, an after school component, or both the before and after school components of a program, on one or multiple schoolsites. If a program operates at multiple schoolsites, only one application shall be required for its establishment.

(c) Each component of a program established pursuant to this article shall consist of the following two elements:

(1) An educational and literacy element in which tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or science.

(2) An educational enrichment element, that may include, but need not be limited to, fine arts, career technical education, recreation, physical fitness, and prevention activities.

(3) Notwithstanding any other provision of this article, the majority of the time spent by a pupil who is in kindergarten or any of grades 1 to 9, inclusive, and who is participating in a career technical education element of a program established pursuant to this article shall be at a site that complies with Section 8484.6.

(d) *In addition to the elements required pursuant to subdivision (c), a program established to serve English learners shall meet the following criteria:*

1 (1) *Provide instruction and practice in academic lessons that*
2 *increase knowledge and usage of the English language. This shall*
3 *include word recognition, spelling, reading, rules of sentence*
4 *structure, writing, and speaking.*

5 (2) *Establish programs and learning strategies that support*
6 *English learners including, but not limited to, translations of and*
7 *assistance on homework assignments, instruction on word*
8 *meanings, and other assistance that enables English learners to*
9 *accelerate their knowledge of the English language.*

10 (3) *Provide the staff with access to academic assessment data*
11 *on English learners attending the after school program.*

12 (4) *Provide the staff serving English learners with professional*
13 *development that is designed to improve instruction to English*
14 *learners.*

15 ~~(d)~~

16 (e) Applicants shall agree that snacks made available through
17 a program shall conform to the nutrition standards in Article 2.5
18 (commencing with Section 49430) of Chapter 9 of Part 27 of
19 Division 4 of Title 2.

20 ~~(e)~~

21 (f) Applicants for programs established pursuant to this article
22 may include any of the following:

23 (1) A local educational agency, including, but not limited to, a
24 charter school, the California School for the Deaf (northern
25 California), the California School for the Deaf (southern
26 California), and the California School for the Blind.

27 (2) A city, county, or nonprofit organization in partnership with,
28 and with the approval of, a local educational agency or agencies.

29 ~~(f)~~

30 (g) Applicants for grants pursuant to this article shall ensure
31 that each of the following requirements is fulfilled, if applicable:

32 (1) The application documents the commitments of each partner
33 to operate a program on that site or sites.

34 (2) The application has been approved by the school district, or
35 the charter school governing board, and the principal of each
36 participating school for each schoolsite or other site.

37 (3) Each partner in the application agrees to share responsibility
38 for the quality of the program.

39 (4) The application designates the public agency or local
40 educational agency partner to act as the fiscal agent. For purposes

1 of this section, “public agency” means only a county board of
2 supervisors or if the city is incorporated or has a charter, a city
3 council.

4 (5) Applicants agree to follow all fiscal reporting and auditing
5 standards required by the department.

6 (6) Applicants agree to incorporate into the program both of the
7 elements required pursuant to subdivision (c).

8 (7) Applicants agree to provide information to the department
9 for the purpose of program evaluation pursuant to Section 8483.55.

10 (8) Applicants shall certify that program evaluations will be
11 based upon Section 8484 and upon any requirements recommended
12 by the Advisory Committee on Before and After School Programs
13 and adopted by the state board, in compliance with subdivision
14 (g) of Section 8482.4.

15 (9) The application states the targeted number of pupils to be
16 served by the program.

17 (10) Applicants agree to provide the following information on
18 participating pupils to the department:

19 (A) Schoolday attendance rates.

20 (B) Pupil test scores from the Standardized Testing and
21 Reporting Program established under Section 60640, reflecting
22 achievement in the areas addressed by required program elements,
23 if assessments have been established in that area.

24 (C) Program attendance.

25 ~~(g)~~

26 (h) (1) Grantees shall review their after school program plans
27 every three years including, but not limited to, all of the following:

28 (A) Program goals. A grantee may specify any new program
29 goals that will apply to the following three years during the grant
30 renewal process.

31 (B) Program content, including the elements identified in
32 subdivision (c).

33 (C) Outcome measures selected from those identified in
34 subdivision (a) of Section 8484 that the grantee will use for the
35 next three years.

36 (D) Any other information requested by the department.

37 (E) If the program goals or outcome measures change as a result
38 of this review, the grantee shall notify the department in a manner
39 prescribed by the department.

1 (F) The grantee shall maintain documentation of the after school
2 program plan for a minimum of five years.

3 (2) The department shall monitor this review as part of its onsite
4 monitoring process.

5 SEC. 3. Section 8483.56 is added to the Education Code, to
6 read:

7 8483.56. (a) From the funds appropriated pursuant to
8 subdivision (b) of Section 8483.5, the department shall make
9 available 24 percent, or one hundred thirty-two million dollars
10 (\$132,000,000) each year, whichever is greater, for after school
11 programs for English learners that meet the criteria established in
12 this article.

13 (b) A program of after school programs for English learners is
14 authorized to commence operations on January 1, 2011, but shall
15 be fully operational no later than August 1, 2011.

16 (c) The Superintendent shall adopt regulations to implement
17 the provisions of this article within 90 days of its effective date.
18 The regulations shall be adopted as emergency regulations in
19 accordance with Chapter 3.5 (commencing with Section 11340)
20 of Part 1 of Division 3 of Title 2 of the Government Code, and for
21 purposes of that chapter, the adoption of the regulations shall be
22 considered by the Office of Administrative Law to be necessary
23 for the immediate preservation of the public peace, health and
24 safety, and general welfare.

25 SEC. 4. The Legislature finds and declares that this act furthers
26 the purposes of the After School Education and Safety Program
27 Act of 2002.